

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America v. JOSEPH EDWARD BROWN, JR. Date of Previous Judgment: <u>6/19/2006</u> (Use Date of Last Amended Judgment if Applicable)	) ) ) ) ) ) )	Case No: <u>5:05CR00235-006</u> USM No: <u>20543-058</u> <u>David Burgess</u> Defendant's Attorney
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## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>37</u>	Amended Offense Level: <u>35</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Previous Guideline Range: <u>Life</u> to <u>Life</u> months	Amended Guideline Range: <u>Life</u> to <u>Life</u> months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No change is recommended due to mandatory minimum sentence of life imprisonment.

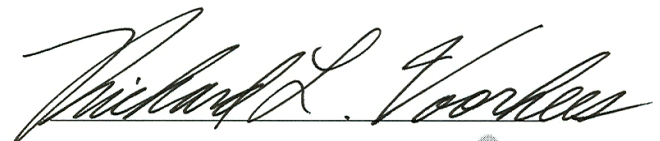
### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 6/19/2006 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: March 4, 2010

Effective Date: March 4, 2010  
 (if different from order date)

  
 Richard L. Voorhees  
 United States District Judge

